IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

CRP.No. 498 of 2004

OP(EA.) 38/2001 OF ADDL.DISTRICT COURT,KOTTAYAM
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REVN. PETITIONER: 1ST RESPONDENT

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA, KAYAMKULAM,
REP.BY ITS MANAGER.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS: PETITIONER

P.I.VASU, S/O. AYYAPPAN,
PULIMOOTTIL HOUSE, POOVANTHURUTH P.O.,
KOTTAYAM.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.498 OF 2004

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Dated this the 5th day of December 2007

O R D E R

This revision petition is preferred against the order of the Addl.District Court, Kottayam in O.P.(EA)No.38 of 2001. The court has awarded enhanced compensation of Rs.7,039/-, i.e. Rs.5,439/- for the trees cut and Rs.1,600/- for the diminution in land value. A perusal of the award would show that yielding trees had been cut and removed and the dictum laid down by this court in the decision reported ***in Kumba Amma v. K.S.E.B(2000(1) KLT 542)*** has been followed. It is true that the Apex Court in the decision reported in ***K.S.E.B. v. Livisha(2007(3) KLT 1(SC)*** has held that each case has to be decided on the facts and circumstances of the case. Here, the court below has considered the matter in the proper perspective and only awarded a reasonable amount with respect to the cutting of trees. So far as the land value is concerned, only 4 cents is taken for the purpose and for calculating the diminution of land value only 10% is taken. That also is reasonable.

Therefore, there is no illegality or irregularity in the order passed by

the court below. The civil revision petition lacks merit and the same is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-